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Review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi

Fifth progress report

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List of acronyms

BINUB	United Nations Integrated Office in Burundi
CENI	Independent National Electoral Commission
CEPGL	Economic Community of the Great Lakes Countries
COMESA	Common Market for Eastern and Southern Africa
DANIDA	Danish Agency for International Development
DFID	Department for International Development (United Kingdom)
EAC	East African Community
FAO	Food and Agriculture Organization of the United Nations
FNL	Forces nationales de libération
GIZ	German Agency for International Cooperation
IFES	International Foundation for Electoral Systems
NGO	Non-governmental organization
SADC	Southern African Development Community
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

I. Introduction

1. The fifth follow-up report on the Strategic Framework for Peacebuilding describes the progress made from February 2010 to January 2011 and remaining challenges to sustainable peacebuilding. The report also contains recommendations to facilitate the monitoring of the next steps.

2. The present report is the last to be prepared before the effective consolidation of the Strategic Framework for Peacebuilding and the second-generation Growth and Poverty Reduction Strategy Framework. This consolidation stems from the will of the Government and its partners to apply the experience of peacebuilding to sustainable development. This process began with the establishment of a monitoring and evaluation group common to the two Frameworks and the transfer of responsibility for drawing up the thematic reports to the sectoral groups of the Poverty Strategy, which made it possible to resolve the problem of duplication between the two Frameworks.

3. Five of the 13 Poverty Reduction Strategy sectoral groups were identified with their input being sought with respect to the relevant areas of the Strategic Framework. The sectoral groups prepared thematic reports, using a participatory approach, based on the recommendations from the fourth progress report of 11 March 2010, which had been prepared following the same process, for onward transmittal to the drafting committee. The contribution of civil society was taken into account by drawing on its ad hoc report and its participation in the various sectoral groups.

4. The period under consideration was characterized by the increased attention Burundi's partners paid to support for the 2010 electoral process, which comprised five elections (communal, presidential, legislative, Senate and at the *colline* level), all of which took place in accordance with the calendar issued by the Independent National Electoral Commission (CENI) with the exception of the commune elections, which took place on 24 May instead of 21 May as initially scheduled. It is apparent that the length and complexity of the electoral process slowed progress in implementing the recommendations of the fourth report.

5. While the commune elections were truly inclusive, with the participation of 24 political parties and 5 independent candidates, the challenging of the results by a broad range of opposition parties tarnished the continuation of the electoral process. Immediately after the commune elections, the political parties which challenged the results of the vote decided to boycott the remainder of the electoral process.

6. During the same period, the Secretary-General of the United Nations, Mr. Ban Ki-moon, the chairpersons of the Burundi configuration of the Peacebuilding Commission, Mr. Peter Maurer and his successor Mr. Paul Seger, as well as Ms. Judy Cheng-Hopkins, Assistant Secretary-General and head of the Peacebuilding Support Office, visited Burundi.

7. The members of the sectoral groups, who also comprise a large part of civil society, held a meeting with the drafting committee in order to obtain guidance, and this permitted an exchange among the groups and greater understanding with regard to the drafting process. During the meeting, the format of the report was recalled, and this facilitated the compilation of data by the different groups and the drafting and transmission of thematic reports.

8. Notwithstanding the challenges and limitations inherent in any inclusive and participatory review process involving many people and institutions from different backgrounds, readers will find all the information they need in order to understand the facts, challenges and the future actions required in respect of peacebuilding in Burundi in accordance with the different sets of themes.

II. Good governance

1. Elections

Peacebuilding Commission recommendations of 24 March 2010

To the Government of Burundi

(a) Ensure an environment conducive to the holding of free, fair and peaceful elections in 2010 and to respect for the results by all, in line with existing laws, including through:

(i) Respecting civil and political rights, in particular the freedom of opinion and the rights of political parties to hold meetings and of the activities in compliance with the law;

(ii) Ensuring equal access to public media;

(iii) Ensuring impartiality of the public administration in the electoral process;

(iv) Continuing to promote conditions favourable to strengthening dialogue between all stakeholders in the electoral process;

(v) Taking all the necessary measures to ensure the security of the electoral process and promote a zero-tolerance policy on the use of violence and intimidation;

(b) Encourage political parties, the media and youth groups to respect the Codes of Good Conduct that they have signed;

(c) Provide the Independent National Electoral Commission with resources required to fulfil its mandate and preserve its independence;

(d) Finalize the electoral list sufficiently early (March 2010) in order to meet the deadlines set out in the electoral calendar as published on 15 December 2009;

(e) Enable national and international electoral observers to be deployed from the start of the first electoral campaign through to the announcement of the results of the last poll;

To the Peacebuilding Commission and international partners

(a) Increase efforts to mobilize remaining technical and financial resources needed for the 2010 elections and ensure that resources are made available as soon as possible and in the agreed terms;

(b) Ensure communication between and, where possible, coordination of national and international electoral observers.

Analysis of trends and review of progress

9. The five elections (communal, presidential, legislative, Senate and at the *colline* level) took place in accordance with the electoral calendar issued by CENI on 15 December 2009, with the exception of the commune elections, initially scheduled for 21 May 2010 but twice postponed, first to 23 May in accordance with the wishes of CENI and then to 24 May, by presidential decree, so as not to clash with Pentecost Sunday.

10. The high public participation (76 per cent) in the electoral process was an important sign of the people's will to strengthen democracy.

11. While the commune elections were truly inclusive, with the participation of 24 political parties and 5 independent candidates, the challenging of the results by a broad range of opposition parties tarnished the continuation of the electoral process.

12. Immediately after the commune elections, the political parties disputing the results of the vote decided to boycott the remainder of the electoral process, alleging irregularities and fraud in the conduct of the vote. In this context, four candidates in the presidential election (Agathon Rwasa, Pascaline Kampayano, Domitien Ndayizeye and Alexis Sinduhije) withdrew their candidacies. They were subsequently joined by the candidate of the Union pour le Progrés National (UPRONA), Dr. Yves Sahinguvu, whose party did, however, take part in the remainder of the electoral process.

13. Thus the sole candidate in the presidential election was the representative of the party in power, the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD). It should, however, be noted that five political parties, two independent candidates and the Coalition pour les élections libres, apaisées et transparentes (CELAT-Humura) continued to take part in the electoral process. The current parliament comprises members of CNDD-FDD, UPRONA and the Front pour la démocratie au Burundi (FRODEBU-Nyakuri).

14. Following the withdrawal of certain political parties from the electoral process, the initiatives for dialogue initiated by the Government were boycotted by those challenging the results. The attempts at rapprochement initiated by the *Bashingantahe* and civil society were without effect, in the absence of consensus regarding the context and purpose of the dialogue.

15. Apart from a large number of grenades (about 120) thrown at certain locations in the capital and the provinces in the days following the commune elections, but above all in the context of the presidential vote, the electoral process took place in a satisfactory security climate. However, the electoral campaign which followed the withdrawal of those challenging the results was characterized by local restrictions on the parties that had boycotted the continuation of the process.

16. Unfortunately, it must be acknowledged that the electoral period saw an increased number of human rights violations, of which the most serious were cases of summary execution and torture, as well as political assassinations. This period was also marked by arrests on political grounds. Fearing for their security, the leaders of four opposition parties that disputed the results of the commune elections (Forces nationales de libération (FNL), CNDD-FDD, Mouvement pour la solidarité et la démocratie (MSD) and Union pour la paix et le développement (UPD)) fled the country.

17. The electoral lists became available only a few days before the elections. Initially they comprised many material errors, some of which were corrected only on the day of the commune elections by an order of the President of CENI. However, they were progressively corrected in the polls that followed.

18. With regard to respect for the codes of good conduct, three draft codes had been drawn up by the political parties, youth groups and the media. Unfortunately, only the youth groups' Code of Good Conduct was signed by all stakeholders. The other two did not attract the consensus of all concerned. Nevertheless, the synergy between coverage in the broadcast media (15 radio stations and 2 television channels) and in the public and private press enabled the public to follow the electoral activities in real time, in particular the conduct of the elections, through correspondence posted throughout the country.

19. Organization of the elections required the involvement of a number of actors, both national and international. Moreover, the same actors took part in monitoring the elections from the first ballot to the last stop. Their monitoring reports, which overall were positive, helped to legitimize the results of all the elections. The Common Plan of Action for Support to the Media (PACAM) made it possible to provide balanced coverage of the elections through the media synergy.

20. On the financial level, the Government allocated $7,908,335 to the operating costs of CENI and the security of voting. A common fund for contributions from the various partners was established and placed under the management of the United Nations Development Programme (UNDP). Total contributions to it amounted to $28,060,344; assistance other than through the common fund amounted to $11,114,909.

Contribution of international partners

21. Unlike the 2005 elections, which were organized under the responsibility of the United Nations Operation in Burundi (ONUB), the 2010 elections, like those of 1993, were organized by the Government of Burundi, and received support from a number of international partners.

22. CENI organized the elections, with support for civic and democratic education from a number of national and international actors, including the International Foundation for Electoral Systems (IFES), the National Democratic Institute (NDI) and the Réseau des ONG européennes pour le plaidoyer sur l'Afrique centrale (EurAc).

23. In addition to financial contributions, some international partners and civil society organizations sent observers.

2. Good governance and the fight against corruption

Peacebuilding Commission recommendations of 24 March 2010

To the Government of Burundi

(a) Finalize rapidly the National Strategy for Governance and the Fight against Corruption, with a view to mobilizing resources for its implementation;

(b) Ensure integration of good governance indicators in the next Poverty Reduction Strategy Paper;

(c) Establish a realistic action plan to reinforce anti-corruption mechanisms and institutions and provide the judicial system with the necessary means to prosecute offences linked to corruption;

(d) Take further action and keep its commitment to speed up efforts to combat corruption by expediting the settlement of cases currently before the courts, including the conclusion of pending cases referred to in the third progress report, by conducting transparent investigations of open cases and by supporting and strengthening governmental and non-governmental organizations in the fight against corruption, building on recent successes and lessons learned;

(e) Provide the Court of Audit with the personnel requested several years ago, and take heed of its recommendations;

(f) Expand general inspections by ministries or groups of ministries.

To the Peacebuilding Commission and international partners

Help the Government of Burundi improve good governance and combat corruption

Analysis of trends and review of progress

24. An inter-ministerial commission is now concluding the National Strategy for Governance and the Fight against Corruption. The first draft will be available towards the end of March. The document will be submitted to the sectoral group on good governance, the Strategic Forum and the Political Forum of the Partners Coordination Group so that additional material can be included before its adoption by the Council of Ministers.

25. The second-generation Growth and Poverty Reduction Strategy Framework is now being drafted. The President of Burundi officially launched the drafting process on 12 November 2010. Good governance indicators must definitely be included in the new Framework. Moreover, the problem of indicators will apply to all sectors of the new Growth and Poverty Reduction Strategy Framework. Choices will be called for to determine whether governance should be included in the Framework as a separate or a crosscutting sector. Composite indicators which include a baseline and clear goals for the years to come will be essential.

26. The National Strategy for Governance and the Fight against Corruption will contain a plan of action designed to strengthen anti-corruption mechanisms and institutions and provide the judicial system with the resources needed to enable it to prosecute corruption-related offences. Furthermore, steps to strengthen internal and external oversight of financial performance are planned as part of the National Government Finance Management Strategy. A study on harmonization of internal oversight bodies (the Office of the State Inspector General and ministerial inspection units) and those responsible for external oversight (the State Audit Office and Parliament) is planned for 2011.

27. With regard to measures to step up the fight against corruption, the announcement by the Head of State in his inaugural address of a zero-tolerance policy on corruption as a Government priority is to be welcomed. The authorities are now rallying all State actors to this policy.

28. Many other measures are being taken to combat corruption and misappropriation of funds, including collaboration between the Ministry of Good Governance and Privatization and civil society to establish local good governance committees, collaboration between the Observatoire de lutte contre la corruption et les malversations économiques (OLUCOME) and the Anti-Corruption Brigade and Court on some cases, a government awareness-raising and accountability campaign and detention of some directors of public enterprises (Société sucrière du Moso (SOSUMO) and Office des transports en commun (OTRACD)) accused of embezzlement. Following a complaint by OLUCOME, the Government has just cancelled an irregular contract for communications materials, equipment and services for security purposes in the amount of $500,977,771.00.

29. However, new cases of corruption are regularly identified. For example, the Office of the State Inspector General condemned the procurement by the Ministry of Defence and Former Combatants of military equipment which was highly defective (according to a commission report drafted by five officers) and for which the procurement contract, in the amount of nearly 4.5 billion Burundi francs, was not in compliance with rules and procedures. On 6 August 2010, the Attorney-General of Burundi dismissed the Interpetrol case. He had stated that Interpetrol owed the State only about 800 million Burundi francs. However, on 1 September 2010, the Commissioner-General of the Burundi Revenue Authority adjusted the total amount due to 40,029,130,609.00 Burundi francs. There is also a telecommunications equipment contract with AAE Systems, Inc., an American company, for an amount in excess of $500 million. OLUCOME, a civil society organization, lodged the same complaints in regard to that case.

30. Thus, much remains to be done to combat corruption. It is recommended, inter alia, that the open competitive bidding process should be placed on a systematic footing as provided for in the Procurement Contracts Code and improvements made in the operations of the anti-corruption institutions (the Anti-Corruption Brigade and Court) so that the fight against corruption is systematic and institutionalized, instead of operating in a piecemeal fashion. An independent judiciary is also key to fighting corruption effectively and sustainably.

31. With regard to capacity-building for personnel of the Court of Audit and compliance with the Court's recommendations, it should be noted that 13 magistrates of the Court completed their terms of office in June 2010. Parliament has to pass an appointment decision to renew their terms. Similarly, in order to strengthen the external oversight of which the Court of Audit is a mainstay, it would be advisable to guarantee collective decision-making and security of tenure for magistrates of the Court.

32. With regard to the general inspections carried out by ministries and groups of ministries, only some ministries have operational inspection services. It would therefore be desirable to make such services more widely available by providing them with operating funds from the State budget, to enable them to engage in oversight. Lastly, the relationship between the Office of the State Inspector General, the various ministerial inspection units and the Court of Audit needs to be considered.

Contribution of international partners

33. Governance is a broad concept encompassing many areas. A sectoral group specifically for good governance was established as part of the Partners Coordination Group to serve as a forum for dialogue between the Government and its partners on governance matters. Moreover, the international partners are involved in the Partnership Forum Technical Committee, which addresses the management of government finances in order to guarantee improved management of public funds. However, the difficulties involved in drafting a universally acceptable National Strategy for Governance and the Fight against Corruption tend to discourage additional financial support earmarked for governance.

Challenges and risks

34. Since the challenge by some opposition political parties to the commune elections, the dialogue among political actors that was a feature of the run-up to the election has been broken off. Some of the parties have avoided participation in the mechanisms set up for that purpose, such as the Permanent Forum for Dialogue among political parties. The fact that the main opposition leaders have gone into exile is raising concerns for the future of the democratic process.

35. Despite the announcement of a zero-tolerance policy on corruption, there is a growing backlog of misappropriations cases, while penalties have not been forthcoming.

36. Civil society actors, particularly human rights and anti-corruption advocates, continue to be subjected to intimidation and threats, and governance remains politicized.

37. The drafting of a law governing the status of the opposition would provide a legal framework for the activities of all accredited political parties. Regrettably, some opposition parties which have merged are not involved in the drafting of this law and are likely to challenge it.

38. Establishing dialogue among all political partners, including the political parties which challenged the commune election results, civil society organizations and the media, and the return to Burundi of the opposition party leaders in exile, could alleviate the concerns about democracy.

III. Ceasefire Agreement between the Government and the Forces nationales de libération (FNL)

Peacebuilding Commission recommendations of 24 March 2010 to the Government of Burundi

(a) Ensure that the remaining posts promised to the Forces nationales de libération (FNL) are filled;

(b) Expedite the process of placing former combatant children into formal education and employment.

39. Pursuant to the agreements signed with the Government of Burundi, the former rebel movement Parti pour la libération du peuple hutu-Forces nationales

de libération (Palipehutu-FNL) changed its name to "Forces nationales de libération (FNL)". It was then accredited as a political party on 21 April 2009.

40. During the period covered by the present report, the nine remaining posts promised to FNL were to be filled before the elections; this was not done, with each side accusing the other of being responsible for the impasse.

41. FNL participated in the commune elections of 24 May 2010 and came in second place with 14.15 per cent of the vote. It then joined with other political parties in challenging the voting results.

42. With respect to placing former combatant children into formal education and employment, the Government and its technical and financial partners are working on that issue through the Emergency Demobilization and Transitional Reintegration Project.

Contribution of international partners

43. With a view to supporting the Government in the process of demobilizing combatants from Agathon Rwasa's Palipehutu-FNL and FNL dissidents, the World Bank awarded a grant of $10 million. A Multi-Donor Trust Fund of $12,509,375 was also established. The overall amount of $22,509,375 is managed through the Emergency Demobilization and Transitional Reintegration Project in effect since 25 September 2009; the scheduled closing date is 31 December 2011.

44. One objective of the Emergency Demobilization and Transitional Reintegration Project is to provide assistance for the social and economic reintegration of FNL ex-combatants and to a small group of people from the National Disarmament, Demobilization and Reintegration Programme who were not reintegrated, with a particular focus on assistance for women, children and disabled persons. The "former combatant children" portion of the Project ended in mid-2010 but some activities will be conducted in 2011 by the United Nations Children's Fund (UNICEF).

Challenges and risks

45. The uncompleted integration of FNL officials into institutions following the elections, the party's refusal to carry on with the electoral process after the commune voting and the absence of inclusive dialogue have tempted some militants to return to violence.

46. There is a risk that armed hostilities may resume, as stated by Mr. Agathon Rwasa in a letter addressed to the Secretary-General of the United Nations.

IV. Security sector

Peacebuilding Commission recommendations of 24 March 2010

To the Government of Burundi

(a) Start implementing the national plan of action for the reform of the defence and security system in Burundi;

(b) Continue professionalizing the defence and security forces throughout the country to provide better security; and continue increasing the transparency and

accountability of the security services towards the Parliament, the population and civil society;

(c) Increase efforts to disarm the civilian population and control arms held by defence and security forces in order to strengthen security around the elections and increase the public's confidence in these forces, in particular by concluding a second voluntary civilian disarmament campaign before the elections;

(d) Ensure the neutrality/impartiality and the professionalism of the defence and security forces during the electoral process.

To the Peacebuilding Commission and international partners

Continue to provide the necessary support to the security sector with particular attention to the specific challenges related to the election process and to the ongoing professionalization of the police.

Trend analysis and evaluation of progress

47. The withdrawal of some political parties from the electoral process led to growing insecurity in which some members of the defence and security forces were suspected of committing summary executions. The commission appointed to conduct inquiries has not yet submitted a report.

48. The defence and security forces just received a substantial incentive through the budget for 2011.

49. A major programme for the cantonment of the defence forces and the deployment of National Police units has been implemented. The programme was followed by activities to promote ethical conduct by the military and the police.

50. Retirements from the defence and security forces will initially involve members of the former Government army, the former gendarmerie and the former public security police. The Government has established mechanisms to ensure that this process does not destabilize the ethnic balance set out in the Arusha Peace and Reconciliation Agreement.

51. As part of the professionalization of its officers, the Burundi National Police performed audits of security and of relations between the local population and the police in 15 pilot communes.

52. While the results of the survey of civil society indicate a certain distrust of the defence and security forces, particularly in urban centres, they are trusted in other areas, as evidenced by the public's cooperation with them in ensuring security during the elections.

53. The disarming of the civilian population through the Civilian Disarmament Commission continued, resulting in the collection of 83,287 weapons and 620,000 rounds of ammunition from civilians and the destruction of 41,320 weapons and 398,000 rounds of ammunition. In addition, a legal and institutional framework has been established to ensure the proper management and securing of arms held by Government agents. However, not all of the arms held unlawfully by civilians have been collected.

Contribution of international partners

54. Several of Burundi's partners continued to support the Government in its national programme for the disarmament of the civilian population and the implementation of legislation on small arms and light weapons under the Nairobi Protocol.

Challenges and risks

55. Acts of banditry and armed robbery are becoming more frequent. In the light of recent history, some people believe that another rebellion is under way. Many militants from some opposition parties have been apprehended by the security forces and put in prison.

56. Demobilized individuals who failed to reintegrate are once again leading a precarious existence. Accustomed to a much better lifestyle, they are susceptible to political manipulation, and could organize into armed groups.

57. There is a need for continued mobilization of essential support from donors and partners to further professionalize the National Police and sustain the experience acquired in providing coordinated security during the electoral process.

58. The information technology network currently being installed is designed to cover the 17 provincial police stations and the most heavily used border posts. The other border posts and all commune police stations remain outside the scope of this modernization initiative.

59. Substantial resources are required to get the operations centres and the toll-free telephone number up and running to enable the Burundi National Police to respond quickly to emergency calls throughout the territory of Burundi.

V. Justice, promotion of human rights and action to combat impunity

Peacebuilding Commission recommendations of 24 March 2010 to the Government of Burundi

(a) Implement the recommendations formulated in the third interim report of 29 July 2009, notably:

(i) Respect and protect human rights;

(ii) Establish and respect the rule of law;

(iii) Put an end to impunity;

(b) Improve the transparency of the justice system and address the problem of the slowness of judicial procedures;

(c) Finalize the proposed law establishing the Independent National Human Rights Commission, in accordance with the Paris Principles, in order to make the Commission operational as soon as possible;

(d) Proceed urgently with the correction of the Penal Code and the promulgation of the new Penal Procedure Code;

(e) Accelerate the implementation of action plans developed to deal with the training of judges and judicial officers, with juvenile justice and with the overpopulation of the prison system;

(f) In regard to the overpopulation of the prison system and the backlog in the justice system, take other measures, particularly legislative ones, to improve the working and efficiency of the justice system and to make access to the law easier, especially in the provinces;

(g) Conclude as soon as possible the cycle of national consultations on the establishment of transitional justice mechanisms, including consultations with the Burundian diaspora, in order to proceed with the drafting of the final report, in strict conformity with the principles of impartiality and transparency;

(h) Resume discussions on points of contention, namely, the independence of the Court prosecutor and the relationship between the Truth and Reconciliation Commission and the Special Tribunal.

Analysis of trends and review of progress

60. The period under consideration was not marked by any significant improvement in human rights compared with 2009. Overall, the human rights situation in Burundi has grown somewhat tense in the aftermath of the arrests carried out among the opposition parties and the cases of torture and abuse committed by members of the National Intelligence Service, the National Police Force of Burundi and the National Defence Force, as well as cases of summary execution. The scope of activity of the media and opposition political parties has narrowed, and in some cases freedom of expression, movement and assembly and the freedom to hold and participate in demonstrations have been reduced.

61. A "naming and shaming" campaign by the United Nations Integrated Office in Burundi, civil society and the international community has focused attention on charges of torture during the elections and after. The Government has acknowledged the cases but has yet to undertake prosecutions against the presumed perpetrators and instigators. Many cases of prisoner mistreatment have also been reported. The Government established a judicial commission to investigate charges of extrajudicial executions, and has made a commitment to have the commission begin its operations quickly.

62. With regard to the various representative cases mentioned in the preceding interim reports, few results have been achieved. Most of them remain open before the courts. They include the Kinama killings (2006), the Gatumba massacre (2004) and the murders of the World Health Organization (WHO) and UNICEF representatives (2001 and 1999, respectively).

63. On the other hand, prosecution of 15 people suspected of involvement in the April 2009 murder of anti-corruption activist Ernest Manirumva has begun; 9 of them have been arrested. Some civil society organizations have nonetheless expressed their concern at the fact that the prosecutor's office has not arrested or questioned several senior police officers mentioned by witnesses. There is also the case of journalist Jean-Claude Kavumbagu, imprisoned since July 2010 on charges of treason: questions regarding the legal basis of his case and concerns about its slow pace have been raised.

64. There were further murders of albinos in 2010 (in May, October and December). Seventeen albinos (of some 600 living in Burundi) have been killed since this crime wave began in 2007. Detention and trial of the alleged perpetrators is under way.

65. The judicial backlog increased by 7 per cent during the period under consideration. An increase in the crime rate and heightened demand for judicial services explain the situation, to some extent. The main reason, however, has to do with the very low productivity of judges, who handle an average of 1.9 cases per month although the court rules of procedure call for them to handle 6 cases per month. However, the new Minister of Justice has decided to take the initiative, as indicated by various meetings of heads of units held in recent months. In December, the Ministry of Justice sent a memorandum to all jurisdictions reminding judges of their obligations with regard to productivity and ethics.

66. On 14 December 2010, the National Assembly adopted a draft law establishing the Independent National Human Rights Commission, and the Senate did so on 24 December 2010. On 5 January 2011, the President of Burundi signed into law Act No. 1/04 creating the Commission in accordance with the Paris Principles. This will enable the Commission to be established and to function, as the funds required for this were provided for in the 2011 budget.

67. During the period under consideration, there were no significant advances in legal reform nor, more specifically, in penal law. The Penal Code has not been revised despite the fact that it contains errors of both substance and form.

68. As of this writing of the present report, the draft penal procedure law has yet to be scheduled for submission to the Council of Ministers, although the adoption of that law is essential to implementation of some provisions of the new Penal Code. Such provisions include those having to do with community service and alternatives to imprisonment, which is important to easing prison overcrowding.

69. This lack of legislative progress continues to affect the operations, effectiveness and accessibility of justice for those who are most vulnerable. During the first six months of 2010, access to justice remained limited, as the Ministry of Justice had yet to submit to the Government a draft law providing a legal framework for legal assistance. This is why the Human Rights Committee requests establishment of this framework in its general comment No. 32, article 14 of the International Covenant on Civil and Political Rights. As a result, judges are reluctant to assign defence counsel to prisoners, including those accused of crimes carrying heavy penalties, such as incarceration or hard labour.

70. During the period under review, a productive dialogue took place between the Ministry of the Interior and the Forum pour le reinforcement de la société civile (FORSC). Thus, on 28 January 2011, the Minister of the Interior issued Order No. 530/65 cancelling Ministerial Order No. 530/1490 of 23 November 2009 and re-establishing FORSC accreditation.

71. There has, however, been progress in the legal protection of children. The Ministry of Justice issued an order establishing a national child legal protection unit whose purpose is to implement the sectoral policy of the Ministry of Justice on protection for juveniles. Moreover, pending enactment of the Code of Penal Procedure, which provides for the establishment of special chambers for juveniles,

posts of focal points for juveniles have been created in prosecutors' offices and magistrates' courts, in accordance with international legal instruments.

72. In April 2010, the Professional Justice Training Centre was provided with an initial operating budget and governing bodies, in accordance with a Presidential Decree. Since embarking on its work, the Centre has engaged in strategic planning with regard to initial priority training programmes and synergies to be implemented with partners for ongoing training. In that regard, training for local court judges and the programme to upgrade management skills for higher-court judges continued during the first session.

73. In the medium term, the Centre will enable judges to be accepted into training cohorts on a competitive basis, leading to greater professionalization of the judiciary. This would be a significant step forward, which should, however, be accompanied by related measures to guarantee an independent judiciary.

74. During the period under consideration, the prison population dropped from 10,850 to 9,484, a decrease of 13 per cent. This decrease followed steps taken as part of a prison population management action plan (supervisory and training measures, surveys and logistical support) and enactment of two executive measures. Circular No. 550/81/CAB/2010 of 25 January 2010 provides for the parole (temporary release) of certain categories of prisoners, and Decree No. 100/43 of 24 March 2010 covers pardons for certain types of prisoners.

75. While these steps have reduced prison overpopulation in the short term, there is a pressing need to establish a sustainable, effective system with a visible and tangible long-term impact. This reform would resolve certain issues, including reducing the number of detainees awaiting trial (65 per cent of the prison population), preventing detainees in different categories from being housed together in the same cell (in particular, separating men from women, adults from juveniles and those awaiting trial from those already sentenced) and getting court proceedings under way in all cases involving arrest and deprivation of liberty.

Contribution of international partners

76. The Ministry of Justice has received support from a number of partners. Cooperation and coordination of measures take place in the framework of the sectoral group, which has met regularly. During the period under consideration, the Ministry of Justice and its partners have begun drafting the sectoral policy for 2011 through 2015, organized around thematic clusters (juvenile justice, capacity-building, follow-up and evaluation and the criminal justice process).

77. The sector also includes international NGOs that are involved in a number of areas, including access to justice, correctional matters, the criminal justice process, follow-up and evaluation of the judicial system and human rights.

1. Transitional justice

78. Formal national consultations conducted by the Tripartite Steering Committee, composed of representatives of the Government, the United Nations and civil society, were organized between July and December 2009 throughout the country's 17 provinces. On 14 and 21 March 2010, consultations targeting the diaspora were also held, in Dar-es-Salaam and Brussels respectively. The report was submitted to the Head of State on 7 December 2010.

79. The official publication of the report on the national consultations has moved the discussion on the establishment of transitional justice mechanisms into the public arena. This report comes in addition to the firm commitment of the President of the Republic to put transitional justice mechanisms in place. Indeed, since the beginning of his second term, he has continually said that the introduction of these mechanisms would be one of his top priorities. In addition, the civil society memorandum of 14 January 2011 addressed to the President suggests that the Government should begin, without delay, another round of consultations with the United Nations in order to finalize an agreement on the issues that remain pending, including in particular the independence of the Prosecutor of the Special Tribunal, the relationship between the Truth and Reconciliation Commission and the Special Tribunal, and the question of amnesty.

Challenges and risks

80. The assassinations and murders that followed the challenging of the election results have still not been solved, despite the creation of an ad hoc committee. This committee has not even begun its work, as it is lacking in materials and funding, and questions have been raised about its composition. If the perpetrators of these crimes are not identified and brought to justice, insecurity could increase as a result of such impunity.

The gender dimension

Peacebuilding Commission recommendations of 24 March 2010 to the Government of Burundi

(a) Continue efforts to ensure women's active participation during the elections, both as voters and as candidates;

(b) Improve the collection of statistics concerning women working in the justice system in order to define and refine policies to implement which respond to their needs;

(c) Continue efforts to reach at least 30 per cent women's representation in all public institutions, including in the Government and the Parliament, as agreed in the Constitution.

Analysis of trends and review of progress

81. The Ministry of Justice is modernizing its statistical unit by recruiting a statistical engineer, using an international consultancy firm, and acquiring adequate equipment. During the validation workshop on the indicators, particular attention was paid to the gender disaggregation of data.

82. The right of women to participate in politics is governed by the Constitution, which establishes a minimum quota of 30 per cent for women in institutions. It is the responsibility of the political parties to establish lists accordingly, and of CENI to ensure that balance by co-opting candidates.

83. The results of the legislative elections surpassed the legally stipulated quota of at least 30 per cent. As a result, 34 of the 106 deputy seats are held by women (32 per cent) and 17 of the 34 Senate seats (50 per cent). However, the Electoral Commission had to co-opt women to sit on commune councils. Nevertheless, 40 of

the 120 administrators (33 per cent) are women. At the Government level, 9 ministers out of the 21 members of the Government (42.85 per cent) are women. These results make Burundi the leader among African countries and second in the world, with women accounting for 46 per cent of the Senate.

84. With regard to the electoral administration, women's participation was around 30 per cent at all levels (Independent National Electoral Commission, independent provincial electoral commissions and independent commune electoral commissions). They were also very well represented among political representatives, national observers and voters during the various ballots. The registration rate of women on the electoral lists even exceeded that of men, at 51.4 per cent.

85. Senior Government authorities participated in the 16 days of activism to combat violence against women campaign — the First Vice-President of the Republic and the Minister responsible for gender issues.

Contribution of international partners

86. The support of the Peacebuilding Fund for the 2010 elections, which targeted the active participation of women, vulnerable groups and civil society, contributed to the appreciable results in terms of the level of women's participation in the elections.

87. The Seruka Centre for victims of sexual violence, whose work touches on both human rights and health, was inaugurated on 10 November 2010 and is supported in a number of ways by several partners.

VI. Community recovery, socio-economic reintegration and land issues

Peacebuilding Commission recommendations of 24 March 2010

To the Government of Burundi

Finalize the action plan for the national socio-economic reintegration strategy and, working closely with the Peacebuilding Commission, mobilize the necessary resources for its implementation.

To the Peacebuilding Commission

Mobilize and coordinate financial and technical support to the implementation of the national socio-economic reintegration strategy.

1. Socio-economic reintegration and recovery

Analysis of trends and review of progress

88. During the review period, the sectoral group on community recovery, repatriation and reintegration met four times, bringing together each time representatives of more than 20 organizations and bodies under the leadership of the Minister of National Solidarity, the representative of UNHCR and the UNDP Country Director. This framework for coordination and dialogue gives the reintegration partners an opportunity to agree on their programmes, in particular

within the framework of the integrated programme of support for the socio-economic reintegration of those affected by the conflict. It is also a framework for mobilizing funds for the implementation of the national socio-economic reintegration strategy.

89. During the same period, the Government has been working on the implementation of reintegration programmes, principally through the support project for the socio-economic reintegration of those affected by the conflict in the provinces of Cibitoke, Bubanza and Bujumbura Rural (P3P), the support project for the repatriation and reintegration of disaster victims (UNHCR and PARESI), the programme of voluntary return, resettlement and reintegration for displaced persons living in camps to their native hillsides and more generally through the integrated programme of support for the socio-economic reintegration of those affected by the conflict (UNDAF+) — a joint programme of the Government and the United Nations, launched in March 2010 and operating in the provinces most affected by the crisis (Cibitoke, Bubanza, Bujumbura Rural, Bururi, Makamba, Rutana, Ruyigi and Kirundo). The Government has also developed a number of initiatives such as the distribution of provisions and household goods in integrated rural villages, the provision of reinsertion kits to organizations of vulnerable returnees and giving training on human rights and conflict prevention to returnees and displaced persons living in camps.

90. Following the adoption by the Council of Ministers of the national socio-economic reintegration strategy for those affected by the conflict, on 18 February 2010, a plan of action for its implementation was drawn up in June and July 2010, with help from a consultant. It was approved by the sectoral group on 24 August 2010 and will soon be submitted to the Council of Ministers for adoption.

91. The Government has already organized joint assessment missions of the situation in the former peace villages with a view to their rehabilitation, and has submitted a draft diagnostic study to its partners on displaced persons living in camps with a view to finding lasting solutions.

92. The mission to assess the projects financed by the Peacebuilding Fund, conducted in August by Ms. Judy Cheng-Hopkins, Assistant Secretary-General and head of the Peacebuilding Support Office, ended with the Commission promising to mobilize significant funding for programmes aiming to maintain the progress made through existing peacebuilding efforts and to supplement those that are ongoing in the field of socio-economic reintegration of those affected by the conflict. To that end, the members of the sectoral group mobilized to draw up a new medium-term reintegration programme. A document examining the continuing challenges relating to peacebuilding is being drawn up and will be submitted to the Peacebuilding Fund for financing.

93. On 5 October 2010, a process of repatriation for Burundian refugees living in the Democratic Republic of the Congo began. Of the estimated 17,000 refugees, 5,000 returnees were expected by the end of December 2010. During the same period, it is estimated that 2,000 Congolese refugees living in Burundi will return to their country of origin. These repatriations follow the tripartite agreement between Burundi, the Democratic Republic of the Congo and UNHCR signed in December 2009.

Contribution of international partners

94. The Government and its partners have pursued the programme of voluntary repatriation and reintegration of Burundian refugees living in the United Republic of Tanzania, principally in the Mtabila camp which houses more than 35,000 people; however, a reluctance to return is apparent, with fewer than 1,000 refugees agreeing to return in 2010.

95. With the support of its partners, the Government of Burundi has pursued the programme to improve the viability of integrated rural villages in various areas such as water, the distribution of farmland, technical assistance and income-generating activities. These villages currently house some 5,186 vulnerable returnees without land or references as well as other vulnerable people affected by the crises in Burundi.

96. In addition to the construction of integrated rural villages for those without land and other vulnerable people, self-build house kits have been distributed by partners to house more than 25,000 returnees with access to land, who have also been given technical support for rebuilding their shelters in the *collines*. Support for the National Commission on Land and Other Assets (CNTB) in its decentralization process and in the resolution of land disputes has helped ensure the effective reintegration of returnees.

Challenges and risks

97. Although significant progress has been made in terms of the vision for and definition of an integrated approach to reintegration and in terms of cooperation between the Government and its national and international partners, the sector's financial deficit remains a major challenge. To date, the funding granted has played a catalytic role and has been able to address urgent needs. The need for substantial funding in order to find a wide-ranging solution to the issue of socio-economic reintegration has become a priority, all the more so because this sector is key to stabilization and peacebuilding. In that regard, the promised funding from the Peacebuilding Fund is welcome, but must be supported by other efforts in order to meet the needs relating to the socio-economic reintegration of those affected by the conflict.

98. In that regard, the Peacebuilding Commission should play a key role in mobilizing resources and promoting innovative (South-South) partnerships that can respond effectively to the challenges of reintegration in Burundi.

99. The sectoral group on community recovery, repatriation and reintegration provides an excellent framework for coordination, but its partners have not fully assumed ownership of the implementation process (planning, monitoring and evaluation), including the realization of joint programmes, since some actors do not follow the process in its entirety. The publicizing of the national reintegration strategy that is under way, as well as its wider dissemination, are also necessary for a good understanding of the framework for action.

100. The stabilization of institutions, the support of the international community and the lessons learned from past projects are valuable and will guide the planning of the reintegration programmes, in particular with regard to the second-generation Growth and Poverty Reduction Strategy Framework that is being drawn up.

101. The land issue remains an enormous challenge to reintegration, particularly in the integrated rural villages whose inhabitants have not yet received letters of assist for their potential homes and land. The fact that land is scarce and its status often unclear is a constant issue when it comes to supporting internally displaced persons and returnees. This issue is addressed in more detail in the report of the thematic working group on land.

2. Land issues

Peacebuilding Commission recommendations of 24 March 2010 to the Government of Burundi

(a) Increase efforts to ensure the effective functioning of conflict resolution mechanisms for land disputes;

(b) Support the National Commission on Land and Other Assets in the implementation of its new mandate;

(c) Accelerate the review and adoption of the law on inheritance regulating women's access to land;

(d) Finalize the action plan for the national reintegration strategy.

Analysis of trends and review of progress

102. While the focus to date has been primarily on the settlement of land disputes related to the reintegration of returnees and on the adoption of new laws on inheritance and matrimonial regimes, the Government of Burundi has expanded the scope of its actions on land issues by mapping out a new comprehensive land policy. While land disputes are many (70 per cent of cases brought before the courts concern land) and threaten peacebuilding, they are not confined to the issue of the reintegration of returnees. These disputes are attributable to many factors: scarcity of the land which holds the key to survival for the vast majority of Burundians; poor security of land rights under the current land certification system, which applies only to a small amount of land, located essentially in urban areas; successive conflicts since the early 1970s and their accompanying cohorts of refugees and internally displaced persons, for whom the issue of access to land (for housing and farming) arises upon their reintegration.

103. In April 2010, the *Lettre de politique foncière* (Land Policy Letter) was adopted by presidential decree. A new Land Code has been adopted by the Government, and will be analysed by Parliament at its current session.

104. The thematic group on land, established in early April 2010 as part of the Partners Coordination Group, is a forum for discussion and dialogue for all stakeholders in the land sector: institutional actors, technical and financial partners and civil society organizations. The coordinating body of the national land programme was created in June 2010 to coordinate and monitor actions in the area of land reform.

105. With regard to restructuring and modernization of State bodies responsible for the management of private and State-owned land, some initial specific actions have been taken, including acquisition of computer equipment, classification of archives and computerization of some of them.

106. The different generations of State land inventories (2001, 2004 and 2007) were examined in 2010 (available data and updating of State lands). The data of the 2007 National Commission on Land and Other Assets inventory were compiled by the Department of Land Management and complemented by information on land management.

107. A new law governing the functioning of the National Commission on Land and Other Assets has been adopted by Parliament and promulgated by the Head of State. However, no progress has been achieved on the review and adoption of the law on inheritance and matrimonial regimes, which should govern women's access to land. It should be noted, however, that the draft of this law has already been translated into Kirundi to better explain its purpose and content to the people.

108. With regard to dispute settlement, between 2007 and November 2010, the National Commission on Land and Other Assets received 19,541 land disputes and settled 9,976; during the same period, 2,244 cases were settled by *Bashingantahe*.

Contribution of international partners

109. In October and November 2010, information workshops on the new Land Code were organized, with the support of partners, for parliamentarians, local elected officials and civil society organizations.

110. Partners have funded specific actions relating to the restructuring and modernization of State bodies responsible for the management of private and State-owned land, including acquisition of computer equipment, classification of archives and computerization of some of them.

111. In order to find lasting solutions to the problems of landless people and the small size of plots, partners have supported the production and validation of eight provincial land development schemes and the realization of four new schemes.

112. Numerous technical and financial partners are contributing to operations for the establishment of a communal land service. Other partners have continued to support the National Commission on Land and Other Assets in its decentralization process and in the settlement of land disputes to ensure the effective reintegration of returnees.

113. With the support of its partners, the Government has continued to consolidate pilot operations for the establishment of a commune land service in 11 communes; pilot projects are being developed or studied in 14 other communes.

Challenges and risks

114. Rapid population growth is leading to smaller and smaller plots and exacerbating resulting land disputes. Land speculation is another challenge because it might further reduce the amount of State land available.

115. With regard to the decentralization of land management, the main challenges will be to establish a legal framework for land certification by adopting and promulgating the new draft Land Code, consolidate pilot experiences and undertake the national outreach phase. This will all be subject to the availability of sufficient capital, the conduct of reviews and the identification of conditions for the technical and financial sustainability of this new instrument.

116. In the area of restructuring and modernization of State bodies responsible for the management of private and State-owned land, the challenge will be to ensure that specific actions translate into an overall policy, in order to redefine and clarify the missions of each department and territorially reorganize decentralized services to put in place single-window facilities and service standards that will simplify obtaining title to land.

117. With regard to women's right of access to land, the challenge will be to address the issue within a patriarchal system, as 70 per cent of conflicts recorded in local courts concern land and these disputes are often between male heirs.

118. Wide-ranging actions must be taken to counter the damaging effects of climate change on cropland and the environment in general.

119. The low level of modernization of farming methods, lack of diversification in the Burundian economy and widely dispersed settlements hold back productivity in the agricultural sector.

VII. Regional integration

Peacebuilding Commission recommendations of 24 March 2010

To the Government of Burundi

(a) Finalize a national strategy for regional integration based on the strengths, weaknesses, opportunities and threats of Burundi's entry into the East African Community and prepare to cope with the complexities of the integration process;

(b) Increase efforts to improve the teaching of English, and improve the performance of business administration to respond to the demands of regional integration in an appropriate manner.

To the Peacebuilding Commission and international partners

Strengthen national capacity to participate fully in the regional integration that includes organizations such as the East African Community and the Economic Community of Great Lakes Countries.

Analysis of trends and review of progress

120. During the period under review, Burundi made significant progress within the East African Community (EAC) by rejoining the East African Customs Union and by adopting the common external tariff.

121. A plan of action for infrastructure in Burundi in order to accelerate regional integration was submitted on 2 April 2010. The NGO Trademark EAC, funded by the partners, opened an office in Burundi to support its efforts at integration into EAC.

122. A retreat to raise awareness on the Protocol establishing the EAC Common Market in anticipation of its ratification was held during March and April 2010, financed by the EAC Partnership Fund. The Protocol on the EAC Common Market entered into force on 1 July 2010.

123. In June 2010, an awareness-raising campaign on the Protocol establishing the EAC Common Market, with funding from UNDP, was held in anticipation of its review and entry into force on 1 July 2010.

124. Two strategy retreats, on the operationalization of the Protocol establishing the EAC Common Market and on the challenges of the chairmanship of the EAC Summit, were held on 4 and 5 August 2010 for senior State officials and on 26 and 27 October 2010 for members of the Government. The two retreats, which were enhanced by the presence of the President of the Republic and eminent persons, helped to increase visibility and improve understanding of the challenges of the integration of Burundi into EAC and of the role Burundi should play in that organization.

125. A study on the matrix begun in 2010, which should indicate the commitments made: sector, area of cooperation involved, responsible ministry or institution, status of implementation and deadline for implementation, is being finalized.

126. At the Summit of Heads of State of EAC, held in Arusha (United Republic of Tanzania) on 2 and 3 December 2010, Burundi assumed the Chairmanship of EAC for the period November 2010 to December 2011.

127. The study on the national strategy for regional integration is under way and should in turn be completed by end March 2011.

128. On 27 March 2010, the United Republic of Tanzania officially announced that visa fees would be waived for Burundians entering Tanzania.

Contribution of international partners

129. The development partners maintained their contacts in order to explore areas of cooperation in anticipation of the Burundi chairmanship of EAC.

130. The multiple forms of support from Burundi's various partners enabled it to make progress in its participation not only within EAC but also within the Economic Community of the Great Lakes Countries (ECGLC), the Nile Basin Initiative (NBI) and the International Conference on the Great Lakes Region (ICGLR).

Challenges and risks

131. The effective integration of Burundi into EAC requires a sustained effort to provide training for its elite in the English language (the language of the EAC Treaty) and participation in various workshops and meetings concerning integration sectors.

132. Burundi must continue to make serious preparations to address the consequences that will result from the implementation of the Customs Union, which initially could introduce stiff competition in its domestic markets, since its economy has been affected by years of crisis.

133. Insecurity is another factor that could slow the integration of Burundi into EAC.

VIII. Mobilization and coordination of international assistance

Recommendations of 24 March 2010 of the Peacebuilding Commission

To the Government of Burundi

(a) Strengthen the dialogue and partnership framework between the Government and its international partners, in order for each side to be better informed about anticipated and actual aid flows and budgetary needs, and thus improve coordination of international aid;

(b) Ensure that the next Poverty Reduction Strategy Paper covers key peacebuilding priorities with a view to merging the two Frameworks in 2010;

(c) Ensure that governmental planning, including budgeting, is transparent and that budgetary assistance is predictable and forecasts are respected, enabling the Government to achieve its objectives.

To the Peacebuilding Commission and international partners

(a) Facilitate efforts aimed at fully harmonizing the Strategic Framework for Peacebuilding and the Poverty Reduction Strategy Paper, while ensuring the inclusion of national stakeholders;

(b) Strengthen the dialogue and partnership with the Government and ensure timely information on anticipated and actual aid flows, thus improving coordination of international aid;

(c) Ensure that budgetary assistance is predictable and that forecasts are respected, enabling the Government to achieve its objectives, in particular for the successful completion of the elections;

(d) Help the Government of Burundi to develop new partnerships and broaden the donor base by mobilizing new donors to support the country during 2010 and to continue thereafter.

Analysis of trends and review of progress

134. During the period under review, the coordination mechanisms have been consolidated. For the first time, the Strategic Forum worked with a set schedule with planned dates and agendas for its meetings.

135. During 2010, nine meetings of the Strategic Forum took place. Each time they were prepared by the Monitoring and Evaluation Group. The Political Forum met twice, first to analyse the fourth report of the Strategic Framework for Peacebuilding and then to launch the process of elaborating the new Growth and Poverty Reduction Strategy Framework. The 13 sectoral groups all work at a different pace. While the agriculture and economic infrastructure sectoral groups have made remarkable progress, there were very few meetings of the sectoral group on security and regional integration.

136. In order to enhance coherence among planning, budgeting and coordination of assistance, the Government drafted an addendum to the National Capacity-Building Support Project on Coordination with a view to greater aid effectiveness. Several donors showed interest in financing the implementation of this project through a common fund under UNDP auspices.

137. The Government also intends to participate in the global evaluation of progress on the indicators of the Paris Declaration through a survey that will take place during the first part of 2011 in which all partners are invited to participate.

138. The Government ordered a baseline study on coordination of donors, harmonization and alignment in Burundi. Unfortunately, the results obtained are not strong enough to provide a solid basis on which to begin the elaboration of an assistance policy, which is the ultimate objective.

139. In keeping with the information on aid flows, the Permanent Secretariat of the National Aid Coordination Committee issued a report in June 2010 on aid flows in 2009. The report was highly appreciated by the partners for the relevant analyses it contained on aid fragmentation and the lack of coherence among tools for planning, budgeting and monitoring of assistance (public investment programme, budget and aid management platform). However, difficulties in data collection from donors remain. The Committee's Permanent Secretariat is currently drafting a data-collection protocol that could further encourage technical and financial partners to provide comprehensive and reliable data within a reasonable length of time.

140. Concerning full harmonization of the Strategic Framework for Peacebuilding and the new Growth and Poverty Reduction Strategy Framework, all the key actors in the process are well aware of the need to include the aspects of peacebuilding in the new Growth and Poverty Reduction Strategy Framework, which is expected to be completed in July 2011. At the institutional level, the merger has already been achieved. Moreover, as in the fourth report of the Strategic Framework for Peacebuilding, the chapters of the present report were drafted by the sectoral groups of the Strategic Framework; the panel of experts of the Joint Steering Committee consolidated the report before transmitting it to the unified monitoring and evaluation group, then to the Strategic Forum for further enhancement and to the Political Forum for adoption.

Contribution by international partners

141. International partners are involved in the coordination mechanism. Each member of the Partners Coordination Group is co-chaired by a lead donor. Some donors also contribute financially to the work of the secretariat or make an expert available.

142. The partners help to provide inputs for the database on aid to development flows. However, the information often comes late and with some gaps. The financing of the establishment and operation of the Aid Management Platform is provided by the German International Cooperation Agency (GIZ).

143. The international partners have a real interest in the effective harmonization of the Strategic Framework for Peacebuilding and the Growth and Poverty Reduction Strategy Framework. Several debates and discussions, and even workshops, have taken place in order to pursue the thinking about effective ways to take peacebuilding into account throughout the process of the new Growth and Poverty Reduction Strategy Framework.

Challenges and risks

144. Insufficient ownership by the Government, overlap among interventions and duplication of sectoral strategies undermine coherence between sectoral planning and budgeting.

145. A new Growth and Poverty Reduction Strategy Framework paper that does not adequately reflect conditions specific to Burundi might not include such sensitive subjects as the dialogue with the extraparliamentary opposition as well as questions of human rights and transitional justice.

146. With the disappearance of the Strategic Framework for Peacebuilding and the twice-yearly progress reports, to be replaced by annual reviews of the new Growth and Poverty Reduction Strategy Framework, the Partners Coordination Group must ensure that political topics, which often have some degree of urgency, are included whenever necessary in the agenda of the Political Forum to enable a dialogue between the Government and its partners.

IX. Proposed conclusions and recommendations

Good governance

1. Without calling in question the results of the 2010 elections, pursue political dialogue with a clear objective for all actors: recognize the Government's efforts and the need for moderation on the part of the party in power and for a constructive approach by those who are not represented in the institutions.

2. Use the balance of the common fund for support to the elections managed by UNDP for revision of the electoral roll, transfer of skills, civic education, data processing and logistic capacity-building for CENI, review of pending issues relating to the electoral code, the electoral calendar and dispute management, digitization of identity cards and transfer of skills to those who will be running CENI in 2015, given that the term of office of the current Commission is three years.

3. Systematically implement without delay the policy of zero tolerance and encourage the existing institutions to continue implementation of the policy and build the capacity of the institutions making efforts through the structures in charge (Office of the State Inspector General, Anti-Corruption Brigade and Anti-Corruption Court).

4. Revive the debate on the law against corruption, including the institutional framework, and broad awareness promotion at all levels.

5. Ensure broad dissemination of the new strategy for good governance in order to create a healthier climate for investment, which is the basis of stability and prosperity.

6. Renew the terms of office of the magistrates of the Court of Audit and guarantee their collegiality and non-removability from office.

7. Continue the efforts to complete court proceedings in all ongoing cases relating to misappropriation of funds.

8. Ensure the physical security and freedom of expression and movement of civil society actors and all other persons engaged in combating corruption.

9. Install inspection services in all ministries and provide them with appropriate operating resources from the State budget.

10. Continue the use of open tenders without exceeding the 10 per cent by mutual agreement, as provided for in the Procurement Contracts Code, and improve the functioning of the institutions combating corruption.

11. Incorporate good governance indicators into the new Growth and Poverty Reduction Strategy Framework using a baseline and clear objectives.

12. Systematically extend the quota of at least 30 per cent women to all decision-making levels in accordance with the Arusha Agreement.

13. Finalize the national gender policy and finance the gender equality policy by instituting specialized bodies, for example establishing the National Gender Council.

14. Depoliticize administrative posts and public and parapublic employment.

Ceasefire agreement between the Government and FNL

15. Given that the agreements between the Government and FNL came to an end with the 2010 electoral process at a time when their implementation was not fully completed, ensure that this does not serve as a pretext for some people to foment insecurity.

Security sector

16. Continue integration of demobilized combatants and enable them to lead a decent life.

17. Update the census of members of the defence and security forces so as to maintain ethnic balances in the wake of the retirements.

18. Continue recruiting members of the defence forces in conformity with the Arusha Agreement and continue their professionalization.

19. Conduct a national debate on cooperation between the defence and security forces and civil society partners and their input into the work of the National Security Council and the security committees.

20. Continue to associate the partners, including civil society, in the drafting of the "livre blanc" and the Defence Review.

21. Draw up an integrated plan for reform of the security sector involving civil society and all other relevant partners, taking into account the disarmament of the civilian population.

22. Improve external audit of the defence and security forces by Parliament through the establishment of joint committees, evaluative research and international missions.

23. Increase the efforts of the Government and other actors to control small arms and monitor compliance with the Nairobi Protocol.

Justice and the rule of law

(a) Human rights and the rule of law

24. Respect human rights, conduct the necessary investigations when they are violated, take measures to prevent such violations and ensure that those committing or instigating them are brought before the courts and punished in accordance with national legislation.

25. Apply strictly and without prejudice the administrative and criminal penalties against State agents accused of human rights violations, particularly in cases of torture and summary execution, as provided for in national and international legislation.

26. Prosecute the perpetrators of serious crimes the cases relating to which are still pending, including the Gatumba massacre, the murder of the WHO and UNICEF representatives in Burundi, the murder of four FNL members in Kinama and the assassination of the Vice-President of OLUCOME, with a view to combating impunity.

27. Complete the investigation of the summary executions described by civil society as "extrajudicial" and the proceedings in relation to other assassinations and murders.

28. Schedule the submission of the preliminary draft of the code of penal procedure to the Council of Ministers and the National Assembly with a view to the incorporation of its articles into the Penal Code.

29. Organize initial training for trainee higher-court magistrates, taking the gender balance aspect into account.

30. Give effect to the plan of action for 2009-2010 on the establishment of a system of administration of juvenile justice.

31. In cooperation with the international community, undertake computerized modernization of the management of prison services. Assign priority to formulating a plan for separating detainees, particularly those who have been sentenced from those who have not, women from men and adults from juveniles. Immediately release those who have been in detention for more than 15 years, in conformity with national legislation.

32. Put into effect the community service mechanism provided for by the Penal Code for minor offences.

33. Ensure physical protection of albinos and continue investigations into the cases of murder committed against members of that community.

34. Bring criminal proceedings against police officers and commune administrators accused of arbitrary or illegal detention.

35. Establish and implement an inclusive system and process for monitoring and evaluating the performance of the justice system, based on the one hand on qualitative and quantitative base indicators and on the other on an operational and durable structure for the compilation, analysis, utilization and dissemination of data.

36. Establish a permanent interministerial coordination mechanism which can be used to draw up initial and periodic reports under the international human rights conventions Burundi has ratified.

37. Appoint the members of the Independent National Human Rights Commission, ensuring pluralist representation of the social forces.

38. Reform the Magistrates' Statute, drawing up objective criteria for the promotion of judges and their security of tenure and providing for the establishment of an independent body to ensure application of the Statute.

39. Ratify the Optional Protocol to the International Covenant on Civil and Political Rights and make the declaration accepting the African Court's competence to receive cases instituted before it by individuals and NGOs.

(b) Transitional justice

40. Disseminate the results of the report on the national consultations on transitional justice mechanisms.

41. Resume discussions on the independence of the Prosecutor of the Special Tribunal, the relationship between the Truth and Reconciliation Commission and the Special Tribunal and the exclusion of amnesty for war crimes, crimes against humanity and the crime of genocide.

42. On the basis of the results of the national consultations and the Arusha Agreement, make progress in installing the double mechanism for transitional justice.

The gender dimension

43. Promote equality between men and women in Burundi, particularly with respect to inheritance.

44. Promote an interpretation and an application of article 554 of the Penal Code promulgated in April 2009 which protect the interests of victims of domestic rape.

45. Combat the practice of rape through a policy of zero tolerance and translate into Kirundi and give broad dissemination to the relevant articles of the new Penal Code relating to rape and other forms of violence.

46. Ensure greater participation of women in the processes of defining indicators and introducing tools for monitoring, evaluating and analysing the performance of the justice system (as judges and as litigants).

Land issues and socio-economic integration

(a) Land issues

47. Rapidly adopt the new draft land code in conformity with the other relevant legislative texts, putting an end in particular to land speculation: define the legal framework for land ownership certificates; clarify the status of marshlands and of lands worked by farmers; find a solution for the landless through better management of State lands; institute a mechanism governing the concept of land exploitation; adjust the legislation to East African Community standards. As an alternative, promote better management of protected areas and expropriated land.

48. Draw up a shared and realistic vision of action to restructure and modernize the State land services involved in land and State land management through the establishment of a working group to draw up a blueprint and plan for restructuring and modernizing the services, with the minimum objective of promulgating a specific legal text on decentralized management.

49. Develop lasting solutions to the problems of landless people and of the smallness of land parcels through the elaboration of a "livre blanc" and the holding of "états généraux" on land issues to complement the "villagisation" policy envisaged by the Government in order to respond to the whole set of issues related to land.

50. Meet the commitments relating to signature and issuance of titles to land used for housing purposes and agricultural land for the reintegration of returnees and displaced persons, verifying the ownership status of the land prior to decisions on settlement.

51. Give thought to supporting measures such as a clear microfinance and risk capital policy or guarantee funds designed to encourage young people and women to invest in the services sector with a view to helping meet the challenges of rapid population increase.

52. Update and adapt the provisions governing expropriation in the public interest with a view to prevention and better management of the conflicts which have recently been becoming widespread.

53. In view of population issues and the decreasing availability of land, redirect the population policy and increase efforts with regard to young people in socio-economic reintegration policies.

54. Take the sensitive aspects of land ownership conflicts into account in the new Growth and Poverty Reduction Strategy Framework.

(b) Socio-economic reintegration

55. Publicize the national strategy and disseminate it more widely.

56. Institute appropriate financing for socio-economic integration through the Peacebuilding Fund and other sources of financing.

57. Request the Peacebuilding Commission to play an essential role in resource mobilization and in promoting innovative (South-South) partnerships.

58. Clarify and ascertain the ownership status of land prior to decisions on settlement.

59. Look for and introduce solutions to the land ownership problems associated with internally displaced persons and returnees.

Regional integration

60. Request Burundi's various partners to continue their many forms of support.

61. Finalize the strategic study under way to guide resource mobilization.

62. Encourage good coordination in the regional integration sector.

Coordination of assistance

63. Make the planning and budgeting process more consistent through a procedure for upstream consultation of the technical ministries and sectoral partners, as well as better integration of capital grants (externally financed projects) into the State budget.

64. The Partners Coordination Group will have to ensure that political topics, which often have some degree of urgency, are included whenever necessary in the agenda of the political forum for dialogue between the Government and its partners. Thus the political forum will serve as a framework for high-level dialogue on both challenges of building peace and those of reducing poverty.

65. Produce a new Growth and Poverty Reduction Strategy Framework which is sensitive to the peacebuilding aspects (conflict-sensitive Poverty Reduction Strategy).

66. Improve dialogue between the Ministry of Finance and the donors of budgetary support in order to make the timetable for disbursement of budgetary support in the context of execution of the State budget more realistic.

67. Encourage the technical and financial partners to provide information on assistance in good time, particularly in the context of preparation of the annual report of the Aid Management Platform, and improve the sharing of information on foreign aid thus acquired between the National Aid Coordination Committee and the Ministries of Finance and Planning.